



General Assembly

February Session, 2010

***Raised Bill No. 126***

LCO No. 584

\*00584\_\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT ADDING WOOD SMOKE TO THE PUBLIC HEALTH  
NUISANCE CODE AND CONCERNING OUTDOOR WOOD-BURNING  
FURNACES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (*Effective from passage*) Not later than July 1, 2011, the  
2       Commissioner of Public Health, in accordance with the provisions of  
3       section 19a-36 of the general statutes, shall amend section 19-13-B1 of  
4       the Public Health Code to provide that wood smoke emissions that  
5       endanger the health of persons who live in the vicinity of the source of  
6       such wood smoke shall be declared to constitute a public nuisance.

7       Sec. 2. (NEW) (*Effective October 1, 2010*) On and after October 1, 2010,  
8       no person shall operate or utilize an outdoor wood-burning furnace for  
9       the period beginning April fifteenth and ending October fifteenth of  
10      each year. Violation of the provisions of this section shall constitute an  
11      infraction in accordance with the provisions of section 51-164n of the  
12      general statutes, as amended by this act. Nothing in this section shall  
13      be construed to prohibit the use of an outdoor wood-burning furnace  
14      for agricultural purposes. For the purposes of this section, "outdoor  
15      wood-burning furnace" means a free-standing outdoor structure that

16 houses a wood-burning furnace that contains a smoke stack and is  
 17 used to provide heat or hot water to a building, structure, swimming  
 18 pool or hot tub through liquid or any other means. "Outdoor wood-  
 19 burning furnace" does not include a fire pit, wood-fired barbecue or  
 20 chiminea.

21 Sec. 3. Subsection (b) of section 51-164n of the 2010 supplement to  
 22 the general statutes is repealed and the following is substituted in lieu  
 23 thereof (*Effective October 1, 2010*):

24 (b) Notwithstanding any provision of the general statutes, any  
 25 person who is alleged to have committed (1) a violation under the  
 26 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
 27 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-  
 28 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,  
 29 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
 30 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
 31 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
 32 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
 33 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
 34 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
 35 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
 36 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
 37 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b  
 38 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
 39 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
 40 14-153 or 14-163b, a first violation as specified in subsection (f) of  
 41 section 14-164i, section 14-219 as specified in subsection (e) of said  
 42 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-  
 43 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,  
 44 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of  
 45 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,  
 46 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section  
 47 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,  
 48 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,

49 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,  
50 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section  
51 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,  
52 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,  
53 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,  
54 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,  
55 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341l, 20-  
56 597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-  
57 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,  
58 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-  
59 79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-  
60 34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-  
61 49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-  
62 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e)  
63 of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415,  
64 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of  
65 section 22a-256h, section 22a-381d, 22a-449, 22a-461, section 2 of this  
66 act, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65,  
67 section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-  
68 59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-  
69 132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-  
70 13, 29-6a, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or  
71 (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243,  
72 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381,  
73 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18,  
74 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47,  
75 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of  
76 section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-  
77 134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230,  
78 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,  
79 section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk,  
80 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a, 53-252,  
81 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344  
82 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a

83 violation of any regulation adopted in accordance with the provisions  
84 of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,  
85 regulation or bylaw of any town, city or borough, except violations of  
86 building codes and the health code, for which the penalty exceeds  
87 ninety dollars but does not exceed two hundred fifty dollars, unless  
88 such town, city or borough has established a payment and hearing  
89 procedure for such violation pursuant to section 7-152c, shall follow  
90 the procedures set forth in this section.

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|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                        |             |
| Section 1   | <i>from passage</i>    | New section |
| Sec. 2  | <i>October 1, 2010</i> | New section |
| Sec. 3  | <i>October 1, 2010</i> | 51-164n(b)  |

|           |                        |             |
|-----------|------------------------|-------------|
| Section 1 | <i>from passage</i>    | New section |
| Sec. 2    | <i>October 1, 2010</i> | New section |
| Sec. 3    | <i>October 1, 2010</i> | 51-164n(b)  |

***Statement of Purpose:***

To add wood smoke to the public health nuisance list and to ban outdoor wood-burning furnaces.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*